THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.6852 OF 2006

DATED: 06-04-2006

BETWEEN

K.V.V.K. Prasad,
S/o. K. Ramanadham,
Occ: Secretary,
Vishnu Residency,
B-Block Owners Welfare
Association, R/o. 1-1-770/a/-103
B-Block, Vishnu Residency,
11th Street, Gandhinagar,
Hyderabad.

...PETITIONER

AND

The Municipal Corporation of Hyderabad,
Rep. by its Commissioner, C.C. Buildings,
Tank Bund Road, Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents 1 and 2 in threatening to demolish the minor deviations of the entire building of the 'B' Block of Vishnu Residency, Gandhi Nagar, Hyderabad as illegal and arbitrary.

Learned counsel for the petitioner submits that the Vishnu Residency was constructed in an area admeasuring 1600 Sq. yards bearing Municipal No.1-1-770/A and the petitioner is secretary of the flat owners association of the said building. He further submits that there are three blocks in the said building viz. A, B and C consisting of 123 flats and they are independent complexes. There are 32 flats in the B Block and the said Block was

constructed as per the permit No.77/7 dated 02.06.1977 and named as Vishnu Residency Block 'B'. The said block faces on the eastern side and the time of construction some deviations were made by the third respondent.

He further submits that for the said deviations the third respondent has paid 50% of the amount for regularization under the Building Regulation Scheme. While so, the officials of the respondents 1 and 2 without issuing any notice and without taking any action against the alleged deviations in Blocks 'A' & 'C' of Vishnu Residency, they are bent upon to demolish the minor deviations of the Block 'B'.

I am not inclined to express any opinion as to whether the deviations in the Block B of the said residency are also minor deviations and as to whether the said deviation was regularized. However, without issuing any notice under the relevant provisions of the Hyderabad Municipal Corporations Act, 1955 with regard to the
so-called deviations and without giving any opportunity to the petitioner, no demolition can be taken up.

Having regard to the facts and circumstances of the case,
the respondents 1 and 2 are directed not to demolish the deviations of Block 'B' of Vishnu Residency without following due procedure prescribed in law.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

April 6, 2006
DSK